

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Karen Cherrington	Team: Team # 3	CCRB Case #: 9903758	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Saturday, 08/07/1999 5:55 AM	Location of Incident: § 87(2)(b)	Precinct: 67	18 Mo. SOL 2/7/2001	EO SOL 2/7/2001	
Date/Time CV Reported Sat, 08/07/1999 6:57 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 08/18/1999 7:38 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. DTS Deon Abrams	06665	901081	Brooklyn South Street Crime Unit
2. DTS Scott Henderson	06730	915880	Brooklyn South Street Crime Unit

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Richard Alvarez	04648	895071	Brooklyn South Street Crime Unit

Officer(s)	Allegation	Investigator Recommendation
A.DTS Deon Abrams	Abuse: Detective Specialist Deon Abrams frisked § 87(2)(b)	§ 87(2)(b)
B.DTS Scott Henderson	Abuse: Detective Specialist Scott Henderson frisked § 87(2)(b)	§ 87(2)(b)
C.DTS Scott Henderson	Abuse: Detective Specialist Scott Henderson frisked § 87(2)(b)	§ 87(2)(b)
D.DTS Deon Abrams	Abuse: Detective Specialist Deon Abrams searched § 87(2)(b)	§ 87(2)(b)
E.DTS Deon Abrams	Force: Detective Specialist Deon Abrams pointed his gun at § 87(2)(b)	§ 87(2)(b)

Synopsis

§ 87(2)(b) and § 87(2)(b) who are brothers, were in front of their residence with some friends when Detective Specialists (DTS) Abrams and Henderson pulled up. Detective Specialists Abrams and Henderson were canvassing for an unknown number of robbery suspects, who had just shot at the detective specialists during a vehicle pursuit. Detective Specialists Abrams and Henderson exited their car and approached the males, at which time they frisked § 87(2)(b) and his friend § 87(2)(b). DTS Abrams attempted to search § 87(2)(b) who protested and began to back away. § 87(2)(b) the mother of § 87(2)(b) and § 87(2)(b) held § 87(2)(b) while DTS Abrams searched § 87(2)(b). During the search § 87(2)(b) began to speak condescendingly to DTS Abrams. In response DTS Abrams ran up to § 87(2)(b) grabbed him by the neck, and pointed his gun at § 87(2)(b)'s head. DTS Abrams and Henderson then left the scene. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Summary of Complaint

On August 7, 1999, at approximately 5:50 AM, § 87(2)(b) had gone to the corner store, located on the Corner of Nostrand Avenue and Avenue D in Brooklyn, with his brother § 87(2)(b) and their friends § 87(2)(b) (last name unknown), and § 87(2)(b)'s cousin, whose name is also unknown. At the store the men bought sandwiches and Snapple. While at the store, § 87(2)(b) heard gun shots, and saw several police cars patrolling. He rode his bicycle to Glenwood Avenue and New York Avenue, the scene of the commotion, where he was informed that a robbery had occurred, and the perpetrators fired shots at the police. § 87(2)(b) then returned home to § 87(2)(b) and met up with the aforementioned group, all of who were outside of § 87(2)(b).

The group remained outside of § 87(2)(b) eating their sandwiches, when DTS Abrams and DTS Henderson pulled up to the curb. According to § 87(2)(b) DTS Abrams and DTS Henderson, who were both in uniform but driving an unmarked car, explained to the group that someone had been shooting at police officers, and that they had to search everyone in the group. DTS Abrams and DTS Henderson approached § 87(2)(b) and § 87(2)(b) and proceeded to frisk the two. DTS Henderson then frisked § 87(2)(b) while DTS Abrams entered onto the property of § 87(2)(b) and tried to search § 87(2)(b). § 87(2)(b) began to protest the search, and began to back away from DTS Abrams. At this point § 87(2)(b) the mother of § 87(2)(b) and § 87(2)(b) came out of the house and instructed § 87(2)(b) to allow DTS Abrams to search him.

According to § 87(2)(b) as DTS Abrams searched § 87(2)(b) § 87(2)(b) proceeded past the two and ascended the stairs of his house up to his porch. § 87(2)(b) then began to question the officers, asking why the police were always harassing people, as well as why two black officers were treating black people in such a manner. § 87(2)(b) further informed DTS Abrams and DTS Henderson that they were on private property, and had no right to be there. Directly after making his "speech" DTS Abrams walked onto the porch and tried to search § 87(2)(b). In response, § 87(2)(b) told DTS Abrams that he had already been searched, and that DTS Abrams could not search him again. In response DTS Abrams grabbed § 87(2)(b) by the throat, removed his gun, and put his gun up to § 87(2)(b)'s head. § 87(2)(b) told DTS Abrams "Just shoot me right here," at which time DTS Henderson asked DTS Abrams what he was doing, grabbed DTS Abrams, and began to pull him away. DTS Abrams told § 87(2)(b) "Just keep being smart," and then both officers left the yard. § 87(2)(b) did not have any further contact with the officers, but added that earlier that same evening he and the same group of friends had been stopped by DTS Henderson and DTS Abrams while the men were playing dice. At that time the Detective Specialists frisked the men as well.

§ 87(2)(b) provided a statement to investigating detectives from the Internal Affairs Bureau, making the same allegations as noted above (Enc. 5A-C).

Results of Investigation

§ 87(2)(b) and § 87(2)(b) all made statements to the CCRB and to Internal Affairs regarding the incident, corroborating the statement given by § 87(2)(b). § 87(2)(b) did not participate in either investigation.

Officer Statements

DTS Scott Henderson was working with his partner, DTS Abrams, on the night of August 7, 1999. At approximately 5:00 AM, DTS Henderson, who was driving an unmarked police car, observed a robbery in progress at East 32nd Street and Tilden Avenue in Brooklyn. DTS Henderson stated that a black male was holding up a victim at gunpoint and forcibly removing property. The perpetrator then entered a car, inside of which were an unknown number of other subjects, and a vehicle pursuit ensued. According to DTS Henderson, the perpetrators crashed their car on Glenwood Road and New York Avenue, and subsequently escaped into the back yards of the neighborhood.

DTS Henderson and DTS Abrams proceeded to canvass the area for the perpetrators, when, driving on New York Avenue, they saw two males run across New York Avenue and hide behind a tree, (DTS Henderson later learned that the tree was located in front of the complainant's house). DTS Abrams informed DTS Henderson that he knew the two males, from previously working in the 67 Precinct, and believed that one of the males might have been wanted for a shooting. DTS Henderson pulled up to the sidewalk, at which time he and DTS Abrams exited their car and asked the men if they could speak to them. At this time DTS Henderson saw that there were four men instead of two. According to DTS Henderson, the men immediately became loud and confrontational, and one of the men left the sidewalk and began to walk toward a house, addressed § 87(2)(b). Another male, whom DTS Abrams had been speaking to, also began to walk away. DTS Henderson followed the male who was walking up the steps of the house, while DTS Abrams approached the male that was at then at the doorway to the house. At approximately the same time a female, whom identified herself as the mother § 87(2)(b) of the two men, came out of the house and asked what was going on. DTS Henderson proceeded to explain to § 87(2)(b) that a robbery had just occurred. While speaking to § 87(2)(b) DTS Henderson heard DTS Abrams and the second male becoming involved in a verbal dispute. DTS Henderson looked over toward his partner at which time he saw DTS Abrams withdraw his firearm and instruct the second male to "put the bottle down." DTS Henderson then saw the second male put a bottle of Snapple down. At the time the male was on the porch of the house, above DTS Abrams, who was down the steps, approximately six feet away from the male. DTS Henderson did not see the male menace DTS Abrams with the bottle. Believing that the situation was becoming confrontational, DTS Henderson grabbed DTS Abrams and requested that they leave. Both officers then left the yard and entered their car, at which time the males requested DTS Abrams' identification, which he provided.

DTS Henderson stated that he did not frisk or search anyone at the scene. He saw DTS Abrams frisk two males. DTS Henderson did not see DTS Abrams grab anyone by the throat, or see DTS Abrams ever place his gun to the head of any of the men.

§ 87(2)(g) DTS Abrams stated that while canvassing the area for the robbery suspects, DTS Henderson informed DTS Abrams that he had just seen two males run across the street and hide behind a tree. DTS Abrams did not see this occur, but saw the two males when DTS Henderson pointed them out. DTS Henderson pulled up to the curb at which time they saw the two males, as well as another male on a bicycle. He believed that there might have been a fourth male present as well.

DTS Abrams and DTS Henderson exited their car, at which time DTS Abrams informed the group that the police were conducting an investigation, and asked if they minded if the officers searched them. DTS Abrams did not know the names of the men in the group, but stated that the first male he stopped did not have a problem with being frisked. DTS Henderson did not assist DTS Abrams with the frisk, due to the fact that he was frisking one of the other men. DTS Abrams then approached a second male § 87(2)(b) who also did not have a problem with being frisked. According to DTS Abrams, § 87(2)(b) was wearing "wind pants" with baggy pockets. Upon conducting the frisk, DTS Abrams felt

something in § 87(2)(b)'s pocket which he could not identify. When DTS Abrams moved to reach into the male's pocket, the man got upset. DTS Abrams tried to calm § 87(2)(b) down, but § 87(2)(b) began to pull away from DTS Abrams, who was holding onto § 87(2)(b)'s pocket. As this occurred a woman, later identified as § 87(2)(b) and § 87(2)(b)'s mother, came out of the house and asked what was going on. DTS Abrams explained that he was trying to search § 87(2)(b) for weapons, at which time § 87(2)(b) came down the stairs and attempted to push DTS Abrams away from § 87(2)(b) while at the same time tried to pull § 87(2)(b) up the stairs of the house. According to DTS Abrams, as this occurred a male § 87(2)(b) passed him on the stairway, and ascended the stairs to the porch. DTS Abrams stated that he did not let go of § 87(2)(b)'s pocket until he was pulled up to the porch, and to the door of the house. At that time DTS Abrams let go of § 87(2)(b) citing that § 87(2)(b) was going to go into the house and DTS Abrams was not going to go into the house with him. At the same time the male removed a Snapple bottle from his pocket, and raised the Snapple bottle in a manner that made DTS Abrams believe he was going to be struck.

DTS Abrams told the male to put down the Snapple bottle several times, but the male did not do so. According to DTS Abrams, at this time he was on the steps, while the male was above him, on the porch. Thinking that the male could either strike him or stab him, DTS Abrams removed his weapon, pointed it at the male, and ordered him to put down the bottle. At that time the male then lowered the bottle, and DTS Abrams and DTS Henderson left the property.

Police Department Documents

According to the radio run, officers were searching for three black males. One of the suspects was described as approximately six foot two, 200 pounds, wearing a red T-shirt and blue jeans. The search for the perpetrators began at approximately 5:11 AM. The perpetrators were reported to be in the yards behind houses in the vicinity of East 32nd Street, New York Avenue and Farragut Road (Enc. 14A-C). According to the stop and frisk reports, DTS Abrams stopped and searched one male, who was wearing black pants and a white shirt, and stopped and frisked a second male who was wearing blue jeans and a white shirt, both in front of § 87(2)(b). DTS Henderson stopped and frisked one male at the same location, who was wearing dark blue baggy jeans and a white T-shirt. According to DTS Henderson's stop and frisk report, he heard the male say to another man, "What happened with the cops." The stop and frisk reports documents that the stops of the complainant and victims occurred at approximately 6:15 AM (Enc. 15A-B). DTS Abrams' memo book documents that he stopped and frisked two males in front of § 87(2)(b). The second male he attempted to frisk was the male that threatened him with a bottle (Enc. 12A-D).

Officer Identification

The victims in this case identified DTS Abrams at the scene. Both DTS Abrams and DTS Henderson were in uniform at the time of the incident. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Conclusions and Recommendations

Abuse of Authority: Detective Specialist Scott Henderson frisked § 87(2)(b) last name unknown (PG 116-33). Allegation A.

Abuse of Authority: Detective Specialist Deon Abrams frisked § 87(2)(b) (PG 116-33). Allegation B.

Abuse of Authority: Detective Specialist Scott Henderson frisked § 87(2)(b) (PG 116-33). Allegation C.

Abuse of Authority: Detective Specialist Deon Abrams searched § 87(2)(b) (PG 116-33). Allegation D.

§ 87(2)(g)

§ 87(2)(g)

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§ 87(2)(g)

The indisputable facts of this case are as follows: DTS Abrams frisked at least one male, and searched another. DTS Henderson frisked at least one male. § 87(2)(b) and the men with him had gone to a deli and bought sandwiches and drinks, making it highly probable that § 87(2)(b) had a bottle. DTS Abrams removed his firearm, and pointed it at § 87(2)(b).

DTS Henderson and DTS Abrams were alerted to the complainant and victims when they allegedly saw two men run across the street and hide behind a tree. Upon pulling up to the location, they then saw that there were four or five men outside of § 87(2)(b). According to DTS Henderson, DTS Abrams informed him that he knew at least one of the men from past encounters. DTS Abrams stated that he did not know the identity or previous criminal history of the men, but knew that residents of § 87(2)(b) had previously been arrested.

According to both officers, when they pulled up to the curb and exited their car, they asked politely how everyone was doing, and then informed the men that the police were conducting an investigation and wished to search everyone present. Neither officer was able to articulate that they believed that the males possessed a weapon at this time, but said they wished to search the men because they could have been the perpetrators of the prior robbery. § 87(2)(g)

According to both DTS Henderson and DTS Abrams, beside the male actually conducting the robbery (a black male wearing a red shirt and blue jeans), the officers did not have a description of any of the suspects, but knew that there was more than one perpetrator seated inside of the vehicle used to leave the robbery scene. They did not know if the other perpetrators were males or females, what they were wearing, the number of perpetrators, or their races.

New York Search and Seizure, by Barry Kamins states, “a defendant’s presence in an area where criminal conduct of others has taken place does not provide a basis to support a frisk...However, if circumstances lead a police officer to the reasonable inference that he should be concerned for his own safety, a frisk will be justified,” (Enc. 1J). Kamins further states that innocuous behavior, like nervous behavior, by itself, cannot justify a reasonable suspicion that a suspect is armed (Enc. 1L-M). Further, “A police officer is justified in stopping a citizen if the citizen bears a strong resemblance to a known person who is being sought in connection with a crime.” (Enc. 1A-B). The inverse of this of course being that a police officer cannot forcibly stop a person if he/she does not resemble the suspect of a crime.

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)
[Redacted]
[Redacted]
[Redacted]
[Redacted]

Force: Detective Specialist Deon Abrams pointed his gun at § 87(2)(b) (PG 104-01). Allegation E.

§ 87(2)(g)
[Redacted] The statements of all interviewed show that upon DTS Abrams' search of § 87(2)(b) the situation escalated. § 87(2)(b) further admitted that he became upset at the way the officers were speaking to § 87(2)(b) and his mother, § 87(2)(b)

§ 87(2)(g)
[Redacted]
[Redacted]
[Redacted]
[Redacted]

[Redacted] DTS Henderson did not witness what made DTS Abrams withdraw his firearm. DTS Abrams testified that § 87(2)(b) was the man menacing him with the bottle. Upon being menaced, he withdrew his firearm and told the offender to put the bottle down. § 87(2)(g)

[Redacted]
[Redacted]
[Redacted]

Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: